

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

|   |   |             |             |
|---|---|-------------|-------------|
| IN RE:                                      | ) | 3:16-CV-253 | 3:16-CV-393 |
|   | ) | 3:16-CV-262 | 3:16-CV-395 |
| Post-Conviction Guideline Challenges        | ) | 3:16-CV-267 | 3:16-CV-567 |
| Impacted By <i>Beckles v. United States</i> | ) | 3:16-CV-268 | 3:16-CV-665 |
|   | ) | 3:16-CV-284 | 3:16-CV-676 |
|   | ) | 3:16-CV-346 | 3:16-CV-706 |
|   | ) | 3:16-CV-348 | 3:16-CV-713 |
|   | ) | 3:16-CV-362 | 3:16-CV-715 |
|   | ) | 3:16-CV-366 | 3:17-CV-38  |
|   | ) | 3:16-CV-368 | 3:17-CV-56  |

**ORDER**

Each of the foregoing cases contain post-conviction challenges to either a career offender designation or base offense level enhancement in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). On March 6, 2016, the Supreme Court held that the United States Sentencing Guidelines are “not amendable to vagueness challenges.” *Beckles v. United States*, No. 15-8544, 2017 WL 855781, at \*7 (U.S. March 6, 2017). Because the *Johnson* decision does not undermine sentences based on Guideline enhancements, the Court believes summary denial of the above petitions with prejudice might be appropriate.

To the extent that the parties disagree, the Court affords the following notice: the parties should file any motion that they want the Court to consider in conjunction with, or prior to, ruling on these petitions on or before April 1, 2017. The deadline for responses is April 15, 2017. Absent such a motion, the Court may summarily dismiss the above cases.

**IT IS SO ORDERED.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE